

ASSEMBLY, No. 2095

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Vainieri Huttie and Assemblyman Karabinchak

SYNOPSIS

Requires all motorbuses purchased for public transportation service to be electric-powered by 2029.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the purchase of motorbuses for motorbus
2 regular route service, supplementing Title 27, and amending
3 P.L.1984, c.73 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 "Electric motorbus" means a motorbus which uses one or more
11 electric motors for propulsion and does not have a combustion
12 engine.

13 "Motorbus regular route service" means the operation of any
14 motorbus or motorbuses on streets, public highways, or other
15 facilities, over a fixed route and between fixed termini on a regular
16 schedule for the purpose of carrying passengers, for hire or
17 otherwise, within this State or between points in this State and
18 points in other states.

19 "Public entity" means the State and any county, municipality,
20 district, or other political subdivision thereof, and any agency,
21 authority, commission, corporation, department, or instrumentality
22 of the State or any county, municipality, district, or other political
23 subdivision thereof.

24
25 2. (New section) a. Commencing with the State fiscal year
26 beginning on July 1, 2024, no less than 25 percent of the new buses
27 purchased by a public entity, for use in motorbus regular route
28 service that is provided by a public entity, shall be electric
29 motorbuses.

30 b. Commencing with the State fiscal year beginning on July 1,
31 2029, all of the new buses purchased by a public entity, for use in
32 motorbus regular route service that is provided by a public entity,
33 shall be electric motorbuses.

34 c. Commencing with the State fiscal year beginning on July 1,
35 2019, each public entity that provides motorbus regular route
36 service shall make necessary preparations to begin the transition to
37 electric motorbuses, including but not limited to, the training of bus
38 drivers and maintenance personnel for the use and upkeep of
39 electric motorbuses, retrofitting garages and other service
40 equipment for the use of electric motorbuses, and identification of
41 specifications and performance measures that an electric motorbus
42 shall meet to adequately replace the existing motorbus fleet of the
43 public entity. These preparations shall begin in the fiscal year
44 beginning on July 1, 2019, and shall proceed in subsequent fiscal
45 years in a prudent manner.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. (New section) Not later than March 1, 2023, the New Jersey
2 Transit Corporation, established pursuant to section 4 of P.L.1979,
3 c.150 (C.27:25-4), and each public entity or county operating
4 motorbus service under the Senior Citizen and Disabled Resident
5 Transportation Assistance Program, established pursuant to section
6 4 of P.L.1983, c.578 (C.27:25-28), shall provide a report to the
7 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
8 c.164 (C.52:14-19.1), which identifies the actions taken in
9 preparation for the transition to electric motorbuses required
10 pursuant to P.L. , c. (C.) (pending before the Legislature as
11 this bill), the status of each entity in training staff and equipping
12 facilities for the use of electric motorbuses, a schedule from each
13 entity for their planned transition to electric motorbuses, an
14 evaluation of whether the capabilities of electric motorbuses will be
15 sufficient to provide a comparable level of service to that of the
16 existing motorbus fleet, and the projected cost of transitioning to an
17 electric motorbus fleet relative to replacement and maintenance of
18 the existing fleet in the absence of the requirements under P.L. , c.
19 (C.) (pending before the Legislature as this bill).

20
21 4. Section 22 of P.L.1984, c.73 (C. 27:1B-22) is amended to
22 read as follows:

23 22. The commissioner shall prepare and submit the following
24 reports to the Governor, the Legislature, and the Transportation
25 Policy Review Board, established pursuant to section 6 of P.L.2006,
26 c.3 (C.27:1B-22.2) under the terms set forth below: a
27 Transportation Master Plan, a Statewide Capital Investment
28 Strategy, an Annual Transportation Capital Program, a
29 Transportation Trust Fund Authority Financial Plan, and a Five-
30 Year Capital Plan.

31 a. To the end that the transportation system of the State shall
32 be planned in an orderly and efficient manner and that the
33 Legislature shall be advised of the nature and extent of public
34 highways, public transportation projects and other transportation
35 projects contemplated to be financed under **[this act]** P.L.1984,
36 c.73 (C.27:1B-1 et seq.), the department shall submit a master plan,
37 as provided in subsection (a) of section 5 of P.L.1966, c.301
38 (C.27:1A-5). Notwithstanding the provisions of **[that act]**
39 P.L.1966, c.301 (C.27:1A-1 et seq.), the plan shall be for a period
40 of five years and shall be submitted to the Commission on Capital
41 Budgeting and Planning, the Chairman of the Senate Transportation
42 Committee and the Chairman of the Assembly Transportation and
43 Independent Authorities Committee, or their successors, and the
44 Legislative Budget and Finance Officer, and the metropolitan
45 planning organizations, on or before March 1, 2001, and at five-
46 year intervals thereafter. The master plan shall set the direction for
47 the department's overall Capital Investment Strategy and subsequent

1 annual Transportation Capital Programs submitted to the
2 Legislature for approval pursuant to this section. This master plan
3 shall, to the extent practicable, conform to all federal requirements
4 for Statewide transportation planning.

5 b. The Department of Transportation, in conjunction with the
6 New Jersey Transit Corporation, the New Jersey Turnpike
7 Authority, and the South Jersey Transportation Authority, shall
8 prepare a "Statewide Capital Investment Strategy" for at least a
9 five-year period which shall contain, at a minimum, a statement of
10 the goals of the department, the corporation, and the toll road
11 authorities in major selected policy areas and the means by which
12 the goals are to be attained during that period, using quantitative
13 measures where appropriate. The Statewide Capital Investment
14 Strategy may be updated and submitted no later than March 1 of
15 each year. The Statewide Capital Investment Strategy shall provide
16 for a multi-modal, intermodal, seamless, technologically advanced,
17 and secure transportation system. It shall recommend investment
18 for major program categories, set overall goals for investment in the
19 State's infrastructure, and develop program targets and performance
20 measures. It may rely on infrastructure management systems as
21 developed by the department to assess bridge conditions, pavement
22 conditions, bridge, traffic and pedestrian safety, traffic congestion
23 and public transit facilities. With respect to pavement conditions,
24 the department shall set as a priority the utilization of efficient cost-
25 effective materials and treatments as stated in section 9 of P.L.2000,
26 c.73 (C.27:1B-21.22). In the event that there exist appropriate
27 circumstances for the use of micro-surfacing and cold-in-place
28 recycling, the department shall establish as a special priority the use
29 of these materials and surface treatments. The goals of the Capital
30 Investment Strategy shall include, but not be limited to, reduction of
31 vehicular and pedestrian accidents, reduction in the backlog of
32 projects, including one-half of the structurally deficient bridge
33 repair projects and pavement deficiencies, and an increase in lane
34 miles of bicycle paths, with a goal of constructing an additional
35 1,000 lane miles of bicycle paths in five years to reduce traffic
36 congestion and for recreational uses. The construction of bicycle
37 and pedestrian lanes, paths and facilities shall be subject to no
38 stricter environmental requirements than are provided pursuant to
39 federal law and regulations for such lanes, paths and facilities,
40 notwithstanding the provisions to the contrary of State law and
41 regulations, including State Executive Order No. 215 of 1989. With
42 respect to the New Jersey Transit Corporation, the Statewide
43 Capital Investment Strategy shall deal with the corporation's overall
44 goal to keep the public transportation system in a state of good
45 repair and, more specifically, in the area of bus transportation,
46 present a strategy and a preliminary timetable for the replacement
47 of the current diesel bus fleet with a fleet of buses which have
48 reduced emission of air pollutants. The corporation shall consider

1 the feasibility of buses with improved pollution controls and that
2 reduce particulate emissions and buses powered by fuel other than
3 conventional diesel fuel **】, such as compressed natural gas vehicles,**
4 hybrid vehicles, fuel cell vehicles, biodiesel vehicles, vehicles
5 operated on ultra low sulfur fuel, and vehicles operated on any other
6 bus fuel approved by the United States Environmental Protection
7 Agency**】.** The corporation may consider as part of its strategy,
8 cooperative efforts with bus manufacturers, and the solicitation of
9 federal support, in developing a "clean bus" with air pollution
10 controls superior to currently available technology. For the fiscal
11 year beginning July 1, 2007 **【and each fiscal year thereafter】**
12 through the fiscal year beginning July 1, 2023, all buses purchased
13 by the New Jersey Transit Corporation shall be buses with
14 improved pollution controls and that reduce particulate emissions,
15 or buses powered by fuel other than conventional diesel fuel**】, such**
16 **as compressed natural gas vehicles, hybrid vehicles, fuel cell**
17 **vehicles, biodiesel vehicles, vehicles operated on ultra low sulfur**
18 **fuel, or vehicles operated on any other bus fuel approved by the**
19 **United States Environmental Protection Agency】.** In the event that
20 the corporation is not able to meet the bus purchase requirements
21 set forth in this section with respect to any fiscal year prior to the
22 fiscal year beginning July 1, 2024, prior to the commencement of
23 the fiscal year, the board of the corporation shall, by resolution,
24 submit a report to the Legislature detailing its inability to meet the
25 requirements and the reasons therefor and shall submit the report to
26 the Senate and General Assembly when both houses are in session,
27 including therein a request to be exempted from the bus purchase
28 requirements of this section with regard to the fiscal year in
29 question. The President of the Senate and the Speaker of the
30 General Assembly shall cause the date of submission to be entered
31 upon the Senate Journal and the Minutes of the General Assembly.
32 If a joint resolution approving the exemption is passed by the
33 Legislature and signed by the Governor prior to the commencement
34 of the fiscal year in question, the corporation shall be exempt from
35 the requirements for that fiscal year. Commencing with the State
36 fiscal year beginning July 1, 2024, and each fiscal year thereafter,
37 the purchase of motorbuses, including the transition to lower
38 emission motorbuses, shall be governed by the provisions of section
39 2 of P.L. , c. (C.) (pending before the Legislature as this
40 bill).

41 In the fiscal year beginning on July 1, 2007 and in each fiscal
42 year thereafter, in the year prior to the year in which final
43 engineering is anticipated to start on any project which extends the
44 reach of the New Jersey Transit rail or light rail system, the New
45 Jersey Transit Corporation shall be required to identify and include
46 in the annual Statewide Capital Investment Strategy the required
47 State financial assistance to support operation of the incremental

1 service for the first three years and the projected fare box recovery
2 ratio at the commencement of the fourth year of operation of each
3 project.

4 The Statewide Capital Investment Strategy shall also detail the
5 planned investment of capital funds for public transportation
6 projects of companies other than the New Jersey Transit
7 Corporation engaged in the business of providing motor bus
8 transportation. The Statewide Capital Investment Strategy shall
9 demonstrate that such investment adequately addresses the finding
10 in section 2 of P.L.1979, c.150 (C.27:25-2) that in the provision of
11 public transportation services it is desirable to encourage to the
12 maximum extent feasible the participation of private enterprise.

13 c. On or before March 1 of each year, the commissioner shall
14 submit a report of general project categories and proposed projects
15 thereunder to be financed in the ensuing fiscal year, including
16 therewith a description of the projects, the county or counties and
17 municipality or municipalities within which they are to be located, a
18 distinction between State and local projects, an identification
19 number for each project that can be used to cross reference any
20 project in the State's federal Statewide Transportation Improvement
21 Program, the project phase of work, investment category, project
22 sponsor, governmental entity with jurisdiction over the project and
23 associated infrastructure, the amount estimated to be expended on
24 each project in the year of appropriation, and an estimate of the
25 total project cost. This report shall be known as the "Annual
26 Transportation Capital Program" for the upcoming fiscal year. It
27 shall include proposed projects of both the Department of
28 Transportation and the New Jersey Transit Corporation. The
29 program shall be consistent with, and reflective of, the goals and
30 priorities of the Capital Investment Strategy and the program shall
31 include an explanation which demonstrates how it is consistent
32 with, and reflective of, the goals and priorities.

33 d. On or before March 1 of each year, the commissioner shall
34 also submit a "Transportation Trust Fund Authority Financial Plan"
35 designed to implement the financing of the proposed projects. The
36 financial plan shall contain an enumeration of the bonds, notes or
37 other obligations of the authority which the authority intends to
38 issue, including the amounts thereof and the conditions therefor.
39 The financial plan shall set forth a complete operating and financial
40 statement covering the authority's proposed operations during the
41 ensuing fiscal year, including amounts of income from all sources,
42 including but not limited to the proceeds of bonds, notes or other
43 obligations to be issued, as well as interest earned. In addition, the
44 plan shall contain proposed amounts to be appropriated and
45 expended, as well as amounts for which the department anticipates
46 to obligate during the ensuing fiscal year for any future
47 expenditures.

1 e. The Statewide Capital Investment Strategy, the Annual
2 Transportation Capital Program, and the Transportation Trust Fund
3 Authority Financial Plan shall be submitted to the Senate and
4 General Assembly. Within 45 days of the receipt thereof, the
5 Senate or the General Assembly may object in writing to the
6 commissioner in regard to any project or projects in the Annual
7 Transportation Capital Program it disapproves or which it is of the
8 opinion should be modified or added to or any additional or
9 alternative projects considered or in regard to any element of the
10 financial plan. The commissioner shall consider the objections and
11 recommendations and resubmit the report within 10 days,
12 containing therein any modifications based upon the commissioner's
13 consideration of the objections or recommendations.

14 f. In order that the Legislature shall be advised of the nature
15 and extent of public highways, public transportation projects, and
16 other transportation projects contemplated to be financed under this
17 act, the commissioner shall submit annually, together with the
18 Annual Transportation Capital Program, a Five-Year Capital Plan,
19 which shall set forth projects and programs anticipated to be funded
20 over the five-year period. The Five-Year Capital Plan shall, to the
21 extent practicable, conform to all federal requirements for Statewide
22 transportation capital programming.

23 (cf: P.L.2016, c.56, s.6)

24
25 5. This act shall take effect immediately.

26 27 28 STATEMENT

29
30 This bill requires that motorbuses purchased by public entities,
31 including the New Jersey Transit Corporation (NJ Transit), to
32 transition to electric motorbuses. Beginning in FY 2025, 25 percent
33 of the new motorbuses purchased by each public entity for regular
34 route service provided by a public entity must be electric
35 motorbuses. Beginning in FY 2030, all of the new motorbuses
36 purchased by each public entity for regular route service provided
37 by a public entity must be electric motorbuses. The bill also
38 requires public entities to begin preparing for this transition starting
39 in FY 2020 by starting to identify specifications needed for electric
40 motorbus purchases, and beginning the process of training
41 employees in the use and maintenance of electric motorbuses, and
42 retrofitting garages and other service equipment for the use of
43 electric buses.

44 The bill requires NJ Transit and county transportation services to
45 each provide a report the Governor and the Legislature by March 1,
46 2023, which documents their progress in preparing for the gradual
47 transition to electric motorbuses beginning in FY 2025, including
48 updates on the preparations they began making in FY 2020, a

1 schedule for their planned transition to electric motorbuses, an
2 analysis of whether electric motorbuses will be sufficient to replace
3 the existing motorbus fleet, and the potential fiscal impact of the
4 transition to an electric motorbus fleet relative to maintenance and
5 upkeep of the fleet with non-electric motorbuses.

6 The bill also amends the requirements of the Statewide Capital
7 Investment Strategy as they apply to NJ Transit. Currently, NJ
8 Transit is required to transition its diesel bus fleet to lower emission
9 alternatives. This bill sunsets that requirement in FY 2024, so that
10 beginning in FY 2025 the requirements under this bill for the
11 electrification of the motorbus fleet are put in place, which will
12 eventually result in a zero emission fleet.